

State of California



SECRETARY OF STATE CONDITIONAL APPROVAL OF USE OF *SEQUOIA VOTING SYSTEMS* DIRECT RECORDING ELECTRONIC VOTING SYSTEM

I, MARK L. KYLE, Undersecretary of State of the State of California, do hereby certify that:

1. *Sequoia Voting Systems* of Oakland, California ("Vendor"), has requested approval for use in California elections of its WinEDS Version 3.0.134 to be used in conjunction with AVC Edge Version 4.3.320 (Direct Recording Electronic) and Card Activator Version 4.3.320 as well as its Procedures for AVC Edge Direct Recording Electronic voting system, submitted on or about October 21, 2004.
2. The voting system described above has been federally qualified as evidenced by the federal Independent Testing Authority reports and the assigned NASED Number # N-1-07-12-11-006, dated October 20, 2004.
3. The voting system has been determined to be in compliance with California law by the State's Voting System Technical Expert.
4. The request for approval of the voting system as described in Paragraph 1, was considered at a duly noticed public hearing held October 22, 2004, at Sacramento, California.
5. The Voting Systems and Procedures Panel and the State's Voting System Technical Expert have recommended that the request for approval be granted, with certain conditions.
6. Sequoia Voting Systems' WinEDS Version 3.0.134 to be used in conjunction with AVC Edge Version Version 4.3.320 (Direct Recording Electronic) and Card Activator Version 4.3.320 as well as its Procedures for AVC Edge Direct

Recoding Electronic voting system, are hereby approved for use subject to the following terms and conditions:

- a. No substitution or modification of the voting system described in Paragraph 1 shall be made with respect to any component of the voting system, including the Procedures submitted on or about September 10, 2004, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting system sufficient to require a re-examination and approval;
- b. The vendor shall submit copies of all required federal Independent Testing Authority (ITA) reports by October 27, 2004;
- c. No additional software developed by the Vendor, including but not limited to Report Viewer, other than that specifically listed in this certification shall be installed on a computer running WinEDS Version 3.0.134;
- d. WinEDS Version 3.0.134 shall not be used in a California statewide direct primary election;
- e. The write-in resolution function in WinEDS Version 3.0.134 shall not be used;
- f. The Voting System described in Paragraph 1 can be used only if the requestor complies with the security measures that apply to it that are contained in the directive of the Secretary of State dated April 30, 2004, entitled *Decertification and Withdrawal of Approval of Certain DRE Voting Systems and Conditional Approval of the Use of Certain DRE Voting Systems*, as further clarified by the Secretary of State's memorandum dated May 14, 2004, and any other agreement between the vendor and the Secretary of State;
- g. The Voting System described in Paragraph 1 can be used only in the Counties of Napa, Riverside, San Bernardino, Santa Clara, Shasta and Tehama, and only if the county using the Voting System complies with the security measures that apply to the county as contained in the directive of the Secretary of State dated April 30, 2004, entitled *Decertification and Withdrawal of Approval of Certain DRE Voting Systems and Conditional Approval of the Use of Certain DRE Voting Systems*, as further clarified by

the Secretary of State's memorandum dated May 14, 2004, and any other agreement between the county and the Secretary of State;

- h. The Voting System described in Paragraph 1 shall not be used after January 1, 2006, or such earlier date as provided for by statute, unless it is modified to include an accessible, voter-verified paper audit trail and is approved or certified for use by the Secretary of State with such a feature;
- i. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using the voting system, to modify the Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
- j. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 27th day of October, 2004.

A handwritten signature in blue ink, reading 'Mark L. Kyle', is written over the printed name.

MARK L. KYLE
Undersecretary of State